

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Douglas L. Rayes

Date: February 28, 2023

USA v. David Allen Harbour

Case Number: CR-19-00898-001-PHX-DLR

Assistant U.S. Attorney: Kevin Rapp and Coleen Schoch

Attorney for Defendant: Stephen Dichter and Justin Vanderveer, Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

JURY TRIAL (Day 14):

9:04 a.m. Reconvene. Parties present. Jury not present. Defendant's Motion for Mistrial Based Upon Rule 16 Violations and Required Production of Privileged Materials (Doc. 641) is DENIED. Defendant's Request to Determine the Further Admissibility of Dr. Manning's Testimony (Doc. 660) is GRANTED. Defendant's Motion for Mistrial (Doc. 648) is taken under advisement. Proposed final instructions are reviewed. Defendant is advised of his right to testify.

9:46 a.m. Recess.

10:07 a.m. Reconvene. Parties present. Jury not present. Oral argument heard on Defendant's Rule 29 Motion for Judgment of Acquittal (Doc. 649). The motion is taken under advisement.

10:51 a.m. Recess.

11:03 a.m. Reconvene. Parties present. Jury not present. Proposed final instructions reviewed and finalized.

11:05 a.m. Recess.

11:11 a.m. Reconvene. Parties present. Jury not present. Discussion held regarding remaining trial schedule. Additional oral argument held on pending motions.

11:20 a.m. Recess.

12:32 p.m. Reconvene. Parties present. Jury not present. Defendant's Rule 29 Motion for Judgment of Acquittal (Doc. 649) is DENIED. Defendant's Motion for Mistrial (Doc. 648) is DENIED.

12:36 p.m. Recess.

12:45 p.m. Final instructions read to the jury.

1:15 p.m. Government's closing arguments presented.

1:45 p.m. Jury excused for break. Court remains in session. Brief discussion held regarding Defendant's anticipated closing arguments.

1:47 p.m. Recess.

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2:02 p.m. Government's closing arguments continue.

2:47 p.m. Defendant's closing arguments presented.

4:13 a.m. Jury excused for break. Court remains in session. Verdict form reviewed and finalized.

4:15 p.m. Recess.

4:28 p.m. Reconvene. Parties present. Jury not present. Discussion held regarding remaining trial schedule.

4:31 p.m. Defendant's closing arguments continue.

5:29 p.m. Government's rebuttal closing arguments presented.

5:45 p.m. Additional final instructions read to the jury. Verdict form reviewed for the jury. Jurors 2 and 3 are randomly selected as alternates. Bailiff sworn.

5:55 p.m. Court is in recess until 9:00 a.m. on March 1, 2023, at which time the jury will commence deliberations.

Court Reporter: Elaine Cropper and Jennifer Pancratz

Deputy Clerk: Robert Vasquez

JT: 6 hr 23 min

Start: 9:04 AM

Stop: 5:55 PM